

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

WENDY MAGUIRE, an individual

Plaintiff,

V.

ECO SCIENCE SOLUTIONS, INC., a Nevada corporation; GA-DU CORPORATION, a Nevada corporation, and MICHAEL ROUNTREE, an individual; L. JOHN LEWIS, an individual; DON TAYLOR, an individual; JEFFERY TAYLOR; an individual; and JOHN DOE, #1-5, individuals.

Defendants.

NO. 2:18-CV-01301-RSL

STIPULATED JOINT MOTION AND
ORDER OF DISMISSAL OF DEFENDANT
L. JOHN LEWIS

STIPULATED JOINT MOTION

Plaintiff Wendy Maguire and Defendant L. John Lewis (collectively, “the Stipulating Parties”) respectfully request that this Court dismiss Plaintiff’s claims against Defendant L. John Lewis with prejudice pursuant to Fed. R. Civ. P. 41(a)(2), which allows the Court to dismiss any action at plaintiff’s request on terms that the Court deems proper.¹ The Stipulating Parties have

¹ The Stipulating Parties so move under Rule 41(a)(2), instead of Rule 41(a)(1)(B), because there are other defendants who have appeared in this case, but who are not parties to this Stipulation. Accordingly, the Stipulating Parties seek this Court's order of dismissal under Rule 41(a)(2).

STIPULATED JOINT MOTION AND ORDER OF
DISMISSAL OF DEFENDANT L. JOHN LEWIS - 1

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1 resolved all Plaintiff claims against, whether now or hereafter in this matter, concerning
2 Defendant L. John Lewis. Defendant L. John Lewis has not stated any counterclaims or third-
3 party claims in this action. Accordingly, and pursuant to Rule 41(a)(2), the parties seek to
4 dismiss Defendant Lewis from this case.² Each Party is to bear its own costs.

5 IT IS SO STIPULATED this 9th day of September, 2020.

6 CAIRNCROSS & HEMPELMANN, P.S.

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16 /s/

17 L. John Lewis, *pro se*

² See *Pedrina v. Chun*, 987 F.2d 608, 609 (9th Cir. 1993) (explaining that the Ninth Circuit has adopted the same interpretation of Rule 41 as the First, Third, Fifth, and Eighth Circuits, in which the dismissal of an “action” under Rule 41 is *not* limited to motions to voluntarily dismiss an entire action; the voluntary dismissal of an “action” under Rule 41 refers to “causes of action” and therefore allows the parties to voluntarily dismiss claims against some, but not all, of the defendants under Rule 41.)

STIPULATED JOINT MOTION AND ORDER OF
DISMISSAL OF DEFENDANT L. JOHN LEWIS - 2

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ORDER OF DISMISSAL OF DEFENDANT LEWIS

The Stipulating Parties having resolved all claims set forth in this action between them and having stipulated to the entry of an order of dismissal, specifically incorporating the stipulation above;

IT IS HEREBY ORDERED that all Plaintiff's claims raised herein against Defendant L. John Lewis shall be dismissed with prejudice and without an award of attorney's fees or costs to any party, and that Defendant L. John Lewis shall be dismissed as a party to this action.

DATED this 25th of November, 2020.

Robert S. Lasnik
ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE